

3886. Adulteration and misbranding of vanilla flavoring. U. S. v. Fred E. Rosebrock. Plea of guilty. Fine, \$100. (F. & D. No. 4040. I. S. No. 1864-d.)

At the April, 1914, term of the District Court of the United States for the Southern District of New York, the jurors of the United States within and for said district, acting upon a report by the Secretary of Agriculture, upon presentment of the United States attorney for said district, returned an indictment against Fred E. Rosebrock, New York, N. Y., charging the shipment by said defendant, in violation of the Food and Drugs Act, on January 3, 1912, from the State of New York into the State of New Jersey, of a quantity of so-called vanilla flavoring, which was adulterated and misbranded. The product was labeled: "Rosebud Brand Guaranteed by F. E. Rosebrock & Co. under the Food and Drugs Act, June 30, 1906. Serial No. 30975. Vanilla Flavoring (Compound) F. E. Rosebrock & Co. New York".

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Vanillin (per cent).....	0.75
Coumarin (per cent).....	0.16
Ethyl acetate (per cent).....	0.13
Musk strongly indicated by odor of distillate.	
Resins: None.	
Methyl alcohol (per cent by weight).....	7.39
Methyl alcohol (per cent by volume).....	9.28
Ethyl alcohol (per cent by weight).....	6.89
Ethyl alcohol (per cent by volume).....	8.68
Methyl alcohol (by acid permanganate): Present.	
Methyl alcohol (by Hehner): Present.	
Methyl alcohol (by resorcin): Present.	
Methyl alcohol (by morphin): Present.	
Vanilla color: None detected.	

Adulteration of the article was charged in the indictment for the reason that a certain substance other than vanilla flavoring, to wit, a substance consisting for the most part of wood alcohol, vanillin, coumarin, ethyl acetate, and musk, had been mixed and packed with the article, to wit, vanilla flavoring, so as to reduce and lower and injuriously affect its quality and strength; further, in that a certain substance other than vanilla flavoring, to wit, a substance consisting for the most part of wood alcohol, vanillin, coumarin, ethyl acetate, and musk, had been substituted in part for the article, to wit, vanilla flavoring; further, for the reason that the article was artificially colored with caramel in a manner whereby its inferiority was concealed; and, further, in that the article contained a certain added poisonous and deleterious ingredient, to wit, wood alcohol, which might render said article injurious to health.

Misbranding was charged for the reason that the aforesaid label regarding the article and the ingredients and substances contained therein was false and misleading, in that it indicated that the article was vanilla flavoring, whereas, in truth and in fact, it was not vanilla flavoring, but was a substance colored with caramel, containing wood alcohol, ethyl alcohol, vanillin, coumarin, ethyl acetate, and musk. Misbranding was charged for the further reason that the article was labeled and branded so as to deceive and mislead the purchaser, being labeled, "Guaranteed by F. E. Rosebrock & Co. under the Food and Drugs Act, June 30, 1906. Serial No. 30975. Vanilla Flavoring," thereby indicating that said article was vanilla flavoring, whereas, in truth and in fact, it was not vanilla flavoring, but was a substance colored with caramel, containing wood alcohol, ethyl alcohol, vanillin, coumarin, ethyl acetate, and musk.

On October 8, 1914, the defendant entered a plea of guilty to the indictment, and the court imposed a fine of \$100.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., May 28, 1915.